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Attorneys for Defendant  
KENNETH BY

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,	)	Case No. 2:25-mj-00056-CKD
	)	
Plaintiff,	)	<b>STIPULATION TO WAIVE VENUE</b>
	)	<b>PURSUANT TO FEDERAL RULE OF</b>
vs.	)	<b>CRIMINAL PROCEDURE 58(C)</b>
	)	
KENNETH BY,	)	Judge: Hon. Allison Claire
	)	
Defendant.	)	
	)	
	)	

The following is hereby stipulated and agreed to between the parties, the United States, by and through Assistant United States Attorney Nicole Vanek, and Defendant Kenneth By, by and through Assistant Federal Defender Megan T. Hopkins:

1. Kenneth By appeared pursuant to Rule 5(c)(3) on March 31, 2025 in the Eastern District of CA following his arrest on a warrant in case number 1:24-mj-250-LRV from the Eastern District of Virginia;
2. Mr. By expressed an interest in waiving venue and resolving his case in the Eastern District of California, and so the matter was set for a status conference regarding venue for April 15, 2025 at 2 p.m. before the Honorable Allison Claire;
3. Rule 58(c)(2)(A) of the Federal Rules of Criminal Procedure states that "If a defendant is arrested, held, or present in a district different from the one where the indictment, information, complaint, citation, or violation notice is pending, the

defendant may state in writing a desire to plead guilty or nolo contendere; to waive venue and trial in the district where the proceeding is pending; and to consent to the court's disposing of the case in the district where the defendant was arrested, is held, or is present.”

4. Kenneth By herein states in writing his desire to waive venue, pursuant to Rule 58(c)(2)(A). Mr. By wishes to plead guilty to Count 1<sup>1</sup> and request immediate sentencing on April 15, 2025;
5. The parties have jointly agreed to the following terms to resolve Mr. By’s case: Mr. By will plead guilty to Count 1 with the remaining counts to be dismissed. The parties will jointly recommend that the Court impose a sentence of \$100 monetary penalty, inclusive of the processing fee and special assessment and a requirement that Mr. By complete 30 hours of mental health counselling and/or treatment;
6. The parties therefore request that the status conference currently scheduled for April 15, 2025 at 2:00 p.m. be converted to a change of plea and sentencing hearing.

Respectfully submitted,

HEATHER E. WILLIAMS  
Federal Defender

Date: April 10, 2025

/s/ Megan Hopkins  
MEGAN HOPKINS  
Assistant Federal Defender  
Attorneys for Defendant  
KENNETH BY

MICHELLE BECKWITH  
Acting United States Attorney

Date: April 10, 2025


/s/ Nicole Vanek  
NICOLE VANEK  
Assistant United States Attorney  
Attorneys for The United States

<sup>1</sup> The government has agreed to dismiss Counts 2 and 3.

[PROPOSED] ORDER

**IT IS HEREBY ORDERED** that in light of the defendant's written request, venue is hereby waived in case number 1:24-mj-250-LRV, and Mr. By may proceed with a change of plea and sentencing in the Eastern District of California. The status conference scheduled for April 15, 2025 at 2:00 p.m. is hereby converted to a change of plea and sentencing hearing.

Dated: April 11, 2025

  
ALLISON CLAIRE  
UNITED STATES MAGISTRATE JUDGE